

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:09-CR-304 CAS
)
TYRONE COLEMAN,)
)
Defendant.)

ORDER

Pending before the Court is defendant's pro se motion for appointment of counsel. In his motion, defendant states that he requires counsel to determine whether he is entitled under the Fair Sentencing Act, effective November 1, 2011, to reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2).

A review of the docket shows defendant was previously represented by retained counsel, William C. Goldstein. Under 18 U.S.C. § 3006A(b) and (c), the Court is authorized to appoint criminal defendants counsel, but only if they are financially unable to obtain counsel. Based on the record before it, the Court is unable to determine whether defendant is financially able to obtain counsel. Therefore, the Court will deny defendant's motion without prejudice. The Court will order the Clerk of Court to provide defendant with the financial affidavit form, and defendant may re-file his motion for appointment of counsel with a completed and signed financial affidavit.

Accordingly,

IT IS HEREBY ORDERED defendant Tyrone Coleman's pro se motion for appointment of counsel is **DENIED without prejudice.** [Doc. 16]

IT IS FURTHER ORDERED that the Clerk of Court shall send copies of this Order and CJA Form 23 – Financial Affidavit to defendant Tyrone Coleman at his address of record.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 7th day of November, 2011.